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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,324	12/18/2001	Urpo Tuomela	413-010763-US(PAR)	6731

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PERMAN & GREEN  
425 POST ROAD  
FAIRFIELD, CT 06824

EXAMINER
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CHO, UN C

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/04/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/024,324

Applicant(s)

TUOMELA ET AL.

Examiner

Un C. Cho

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 6, 8, 12 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shen (US 6,428,475 B1) in view of Kail, IV (US 6,225,901 B1) (hereinafter Kail).

Regarding claim 1, Shen discloses a wireless personal data logging and processing device, reminder, arranged so as to collect, process and indicate information needed by an individual user (see Abstract), said reminder comprising: a wireless receiver (receiving module (Fig. 2, element 11) having a receiving circuit (Fig. 2, element 111)) configured to receive information from a physical condition arrangement (Shen: Col. 2, lines 42 – 50, Col. 2, line 59 through Col. 3, line 10); an alarm (buzzer, Fig. 2, element 13)/display (display, Fig. 2, element 12) part configured to display messages or alerts to the user; and a control unit (control circuit, Fig. 2, element 14) configured to make context-based decisions based on the received information to guide the actions of the user of the reminder (Shen: Col. 2, lines 51 – 54).

However, Shen as applied above does not specifically disclose receiving information from a physical activity arrangement, a location arrangement and a

task activity arrangement; and a control unit configured to make context-based decisions on the received information to guide the actions of the user. In an analogous art, Kail discloses a physical activity arrangement (a motion sensor; Fig. 1, element 28; Kail: Col. 2, lines 25 – 30), a location arrangement (location-determining device; Fig. 1, element 38; Kail: Col. 5, lines 14 – 23) and a task activity arrangement and a control unit configured to make context-based decisions based on the received information to guide the actions of the user (manual input device; Fig. 1, element 32 is used to perform a task activity and the microprocessor; Fig. 1, element 22 takes appropriate actions accordingly; Kail: Col. 6, line 63 through Col. 7, line 59 and Col. 8, line 65 through Col. 9, line 11). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Kail to the system of Shen in order to provide a more robust and user friendly health monitoring system which monitors not only physical condition but also physical activity, location and to perform task activity as well, thus, a person carrying the health monitoring device can be monitored and maintain communication as needed in case of abnormal or emergency situations.

Regarding claim 2, Shen in view of Kail as applied above discloses a memory part of which is arranged so as to provide an activity log in the reminder (it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a control circuit having memory within to store activity logs, Fig. 2, 14; Shen).

Regarding claim 3, Shen in view of Kail as applied above discloses a user interface for the device (Figs. 4A and 4B; Shen: Col. 2, lines 32 – 41).

Regarding claim 4, Shen in view of Kail as applied above discloses a receiver means with which the reminder is arranged so as to function as a terminal in a wireless network (Fig. 1, 10; Shen).

Regarding claim 5, Shen in view of Kail as applied above discloses wherein the wireless network terminal is arranged so as to function as a personal cellular phone (Fig. 1, 10; Shen).

Regarding claim 6, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 8, the claim is interpreted and rejected for the same reason as set forth in claim 2.

Regarding claim 12, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 13, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 14, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 15, Shen in view of Kail as applied above discloses wherein the at least one user monitor is in wireless communication with the control unit (Shen: Col. 2, line 59 through Col. 3, line 10).

***Response to Arguments***

3. Applicant's arguments with respect to claims 1 – 6, 8, 12 – 15 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kanor et al. (US 6,384,728 B1) discloses a personal care monitoring system.

Petelenz et al. (US 6,433,690 B2) discloses an elderly fall monitoring method and device.

Kail, IV (US 6,940,403 B2) discloses a reprogrammable remote sensor monitoring system.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C. Cho whose telephone number is (571) 272-7919. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Un C Cho  
Examiner  
Art Unit 2617

12/28/06 *uc*

*George Eng*  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER